

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,
Complainant,

v.

Case No. 0915A

KAREN DAVENPORT,
Veterinarian License Number: 9706
Respondent.

CONSENT AGREEMENT AND ORDER

After due investigation of a written complaint, the West Virginia Board of Veterinary Medicine (Board) determined that there was probable cause to believe that Karen Davenport (Respondent) has exhibited unprofessional conduct in the practice of veterinary medicine, in violation of the provisions of W. Va. Code § 30-10-1 *et seq.* and the Rules of the Board at W. Va. Code R. § 26-1-1 *et seq.* The Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of this State.

Now, in lieu of hearing, the parties have reached an agreement for the resolution of Case Number 0915A and the parties agree to entry of the following Order in disposition of this matter.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. That Karen Davenport is a licensee of the Board with license number 9706 and is subject to the license requirements of said Board.

2. The Board is a regulatory board created for the purpose of regulating the practice of veterinary medicine. W. Va. Code § 30-10-1 *et seq.*

3. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke or otherwise discipline an individual's veterinary medicine license because of authority granted to it by W. Va. Code §§ 30-10-5 and 30-10-19.

4. That on or about September 3, 2015, the Board received a written complaint from an individual complaining of the treatment that her animal had received while in the care of the Respondent.

5. The written complaint filed by, Monica Harper, alleged that a male cat, Tyrone, had been taken to the Respondent for treatment on July 29, 2015.

6. Respondent ordered a urine sample be collected which was collected from the cat's carrier on the date of presentation. The urine sample collected indicated the presence of glucose in the urine, as well as the presence of a urinary tract infection.

7. On the same day, the Respondent wanted to obtain a blood sample; however, the Tyrone had become "fractious," so the Respondent wanted to sedate him to obtain the blood sample. Respondent called the number left and was given authorization to obtain the blood sample via "inhaled anesthesia."

8. Tyrone was kept overnight at the clinic. The Respondent was not working on July 30, 2015 when Mrs. Harper picked up Tyrone; however, Mrs. Harper states that she was told that Tyrone was borderline diabetic and to change his diet.

9. Mrs. Harper states that Tyrone did not improve and began to lose weight and still had urinary issues.

10. Mrs. Harper took him to another veterinarian on August 25, 2015. This veterinarian reviewed the previous laboratory records and found that Mrs. Harper's cat's blood glucose was 649, and that the cat was diabetic.

11. The second veterinarian ordered a glucose curve test which confirmed the diagnosis and was started on insulin immediately.

12. Respondent did file a timely response to these allegations, and states that she did obtain proper authorization for the sedation and discussed with Mr. Harper that Tyrone was diabetic and treatment options.

13. Respondent stated in her response that she recommended to first treat the urinary tract infection and change Tyrone's diet to a diabetic diet and then to re-do the bloodwork after the infection has resolved itself.

14. Respondent maintains that the decision to release Tyrone from the clinic with a blood glucose of 649 with directions to take antibiotics and maintain diabetic diet was not intended to be a full

treatment plan. Respondent intended to initiate outpatient treatment on Tyrone initially because staff could not touch him without anesthesia.

15. Respondent maintains that she advised Mr. Harper that Tyrone would not be able to be treated at the clinic without anesthesia and that the use of anesthesia on a diabetic cat could be detrimental to him. Respondent further advised Mr. Harper that this was only a temporary treatment plan and the best course given the level of agitation that Tyrone displayed during his time at the clinic. The Respondent anticipated that Tyrone would return to the clinic, so that further treatment for the diabetes could be initiated by the Respondent.

16. Moreover, the Respondent notes in her response that Mr. Harper was listed as an owner on the medical records.

17. Upon review of this matter by the Board's Complaint Committee, it was found that there were deficiencies in the medical record keeping by the Respondent which were not part of the original complaint.

18. That those acts described in Paragraphs 1 through 17 above, demonstrate that the Respondent failed to provide the proper care and treatment of the cat identified as Tyrone by failing to properly diagnose and treat Tyrone for diabetes, and failing to maintain proper medical records. If these events are proven to be true, the actions would constitute conduct, practices or acts in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-1-9.1.e. and 26-4-4.1 and 26-4-4.9.A.

19. That upon recommendation of the Complaint Committee, after reviewing the complaint and accompanying documents, the Board, by majority vote, at its Board meeting on October 2, 2015, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, Karen Davenport.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license of the Respondent to practice veterinary medicine, pursuant to W. Va. Code § 30-10-19.
3. That the Board has defined unprofessional conduct by adopting the standards of practice at W. Va. Code R. § 26- 4-1 *et seq.* and violations of these standards of practice may be grounds for disciplinary action by the Board pursuant to W. Va. Code § 30-10-19(g)(3).
4. That the Board served a *Complaint* upon the Respondent pursuant to the laws and regulations of West Virginia.
5. The Respondent's actions as outlined in the *Findings of Fact* constitute conduct, practices or acts in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-1-9.1.e. and 26-4-4.1 and 26-4-4.9.A.

CONSENT OF LICENSEE

I, Karen Davenport, by affixing my signature hereto, acknowledge the following:

1. That I have had the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

2. That no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.

3. That I acknowledge that I am aware that I may pursue this matter through appropriate administrative and/or court proceedings, and I am aware of my legal rights regarding this matter, but intelligently, knowingly and voluntarily waive such rights.

4. That I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. That I admit that my actions were a violation of the Board's governing statute and rules.

The Respondent, Karen Davenport, by affixing her signature hereon, agrees to the following:

ORDER

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Respondent is hereby REPRIMANDED for her actions in this case matter.

2. Respondent shall complete the following:

a. Respondent shall complete three (3) hours of Board approved continuing education hours in Medical Record keeping.

b. Respondent shall complete a six (6) hours of Board approved continuing education hours in Endocrinology, specifically in diabetes care and treatment.

c. Respondent shall reimburse the Board the costs of this proceeding, including but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case by the end of the probationary period.

d. All of the required continuing education hours shall be successfully completed by the end of the probationary period.

e. Respondent shall be placed on probation for a period of six (6) months effective upon the entered date of this Agreement hereto. During this probationary period, the Respondent shall complete the following:

1) Respondent shall submit medical records to the Board for review of one out-patient and one in- patient client every month for the duration of the probationary period. Should any deficiencies be found in the medical record keeping the Board shall have the right to extend the probationary and/or require additional continuing education hours be completed by the Respondent in medical record keeping.

2) Respondent shall be subject to random inspections of her veterinary practice including, review of medical records and observation of any medical procedures. Respondent shall bear the cost of these random inspections by the Board which shall be payable to the Board within one (1) month of the inspection.

4. Any violation of this *Consent Agreement and Order*, or failure to adhere to its terms may result in further disciplinary action against the Respondent, including the immediate suspension of the Respondent's license to practice veterinary medicine, or the extension of the probationary period.

5. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database.

6. That this document is a public record as defined in W. Va. Code § 29B-1-2(4).

7. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

In recognition of this *Consent Agreement and Order* and these terms, we hereby affix our signatures.

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE

By: *Virginia Lee Hastings*
~~DR. JOHN WILSON~~ *ms. Virginia Lee Hastings*
PRESIDENT *Secretary - Treasurer*

Entered: *Feb. 3, 2016*
DATE

Reviewed and agreed to by:

Karen Davenport
Karen Davenport, Respondent

1/16/2016
DATE



Melvin F. O'Brien, Esquire
Counsel for Respondent

1/21/16
DATE